

STATEMENT OF LEGAL ISSUES

1. Whether the Circuit Court Erred in Denying the Motion to Vacate the Termination Order Because the Millers Secretly Paid Monetary Consideration to Jessica As Part of the Adoption and Termination Proceedings.

The Circuit Court denied Jessica's Motion to Vacate because there were no exceptional circumstances warranting relief under SDCL 15-6-60(b).

SDCL 15-6-60(b)

SDCL 25-7A-17

SDCL 25-6-4.2

Reaser v. Reaser, 2004 SD 116, 688 N.W.2d 429

Christensen v. Christensen, 2003 SD 137, 672 N.W.2d 466

2. Whether the Circuit Court Erred in Denying the Motion to Vacate Because the Millers Engaged in a Fraud on the Court By Making Unenforceable, Secret Promises of Continued Contact Between the Minor Children and Jessica and her Parents.

The Circuit Court denied Jessica's Motion to Vacate because there were no exceptional circumstances warranting relief under SDCL 15-6-60(b).

SDCL 15-6-60(b)

SDCL 25-5A-8

SDCL 25-5A-16

Matter of J.M.J., 368 N.W.2d 602, 606 (S.D. 1985)

Matter of Termination of Parental Rights over J.M.J., 379 N.W.2d 816, 818 (S.D. 1985)

Medearis v. Whiting, 2005 SD 42, 695 N.W.2d 226